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Docket No.: 08204/1200311-US2/10.035C2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul Szabo et al.

Application No.: 10/644,692

Confirmation No.: 6716

Filed: August 20, 2003

Art Unit: 2157

For: METHOD AND SYSTEM FOR SCALING
NETWORK TRAFFIC MANAGERS

Examiner: Ario Etienne

**PETITION UNDER 37 C.F.R. § 1.78(A)(3) FOR UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim for benefit of priority in this application.

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/119,433, filed April 9, 2002 (which was co-pending with the present application when filed), which claimed the benefit of priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Serial No. 60/293,466, filed May 24, 2001. The specification and Application Data Sheet inadvertently and unknown to Applicant or his attorneys failed to refer to the direct parent applications, Serial No's. 10/119,433 and its Provisional 60/293,466.

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Applicant therefore petitions the Commissioner to accept his claim for the benefit of Serial No. 10/119,433 and its Provisional 60/293,466. The entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date of this petition was unintentional.


This petition is accompanied by the following:

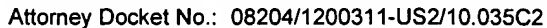
1. Surcharge under 37 C.F.R. § 1.17(t) in the amount of \$1370.00; and
2. The reference required by 35 U.S.C. § 120, 35 U.S.C. § 119 and 37 C.F.R. § 1.78(a)(2), in the form of an amendment amending the first sentence of the specification following the title to include a reference to the prior-filed applications Serial No's. 10/119,433 and 60/293,466, and also a Supplemental Application Data Sheet.

Applicant submits that all the requirements of 37 C.F.R. § 1.78(a)(3) are satisfied, and the Commissioner is respectfully requested to grant this Petition.

Dated: April 18, 2006

Respectfully submitted,

By 
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		AMENDMENT TRANSMITTAL LETTER		Docket No. 08204/1200311-US2/10.035C2	
Application No. 10/644,692-Conf. #6716		Filing Date August 20, 2003		Examiner Ario Etienne	
Art Unit 2157					

Applicant(s): Paul Szabo et al.

Invention: METHOD AND SYSTEM FOR SCALING NETWORK TRAFFIC MANAGERS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	33	- 33 =		x	
Independent Claims	6	- 6 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Acceptance of an unintentionally delayed claim for priority					1,370.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					1,370.00

☒ Large Entity
☐ Small Entity

☐ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. 04-0100 in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ 1,370.00 to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 04-0100 as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

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Dated: April 18, 2006